

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Knowlton & Tsimikas	Art Unit:	1618
Application No.:	10/591,092	Examiner:	Unassigned
Filing Date:	July 12, 2007	Conf. No.:	7890
Title:	METHOD AND MATERIALS FOR USE IN DIAGNOSING VIRAL MYOCARDITIS		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTION OF FILING RECEIPT**

Sir:

This Communication is submitted to request correction of the filing receipt in reference to the above-identified application. The data requiring correction is indicated on the attached copy of the filing receipt and herein as follows:

Please correct the last name of the first named applicant from "Khowlton" to ~~-Knowlton-~~ .

Additionally, the filing receipt does not reflect the new Power of Attorney information. Applicants note that a new Power of Attorney was filed on July 12, 2007 revoking all previous Powers of Attorney and appointing the DLA Piper US LLP attorneys of USPTO Customer No. 28213 to prosecute the above-identified application. A copy of the Power of Attorney as filed on July 12, 2007 is attached hereto. It is respectfully requested that the new Power of Attorney be made of record.

In re Application of:

Knowlton & Tsimikas

Application No.: 10/591,092

Filing Date: July 12, 2007

Page 2

PATENT

Attorney Docket No.: ST-UCSD3120-1

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 07-1896, referencing the above-identified attorney docket number.

Respectfully submitted,

Date: September 28, 2007



Stacy L. Taylor

Registration No. 34,842

Telephone: (858) 677-1423

Facsimile: (858) 677-1465

**USPTO Customer No. 28213**

DLA PIPER US LLP

4365 Executive Drive, Suite 1100

San Diego, California 92121-2133



## UNITED STATES PATENT AND TRADEMARK OFFICE

ST-UCSD3120/us/11

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/591,092	07/12/2007	1618	715	041673-0206 ✓	30	4

30542

FOLEY &amp; LARDNER LLP

P.O. BOX 80278

SAN DIEGO, CA 92138-0278

DLA PIPER  
US LLP

RECEIVED

SEP 21 2007

I.P. DEPT.  
FOLEY & LARDNER

CONFIRMATION NO. 7890

FILING RECEIPT



\*OC000000025826066\*

Date Mailed: 09/18/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

correct: Knowlton

Kirk Knowlton, Escondido, CA;  
 Sotirios Tsimikas, San Diego, CA;

PATENT DOCKETING

SEP 24 2007

DLA PIPER

## Assignment For Published Patent Application

The Regents of the University of California, a Non-Profit Corporation

Power of Attorney: The patent practitioners associated with Customer Number 30542.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US05/10078 03/24/2005  
 which claims benefit of 60/556,154 03/24/2004

## Foreign Applications

If Required, Foreign Filing License Granted: 04/26/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/591,092**

Projected Publication Date: 12/20/2007

Non-Publication Request: No

**Early Publication Request: No**

**\*\* SMALL ENTITY \*\***

**Title**

Method and Materials for Use in Diagnosing Viral Myocarditis

**Preliminary Class**

424

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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### **LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15**

#### **GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PATENT  
ATTORNEY DOCKET NO.: ST-UCSD3120-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Knowlton et al.	Art Unit:
Application No.:	10/591,092	Examiner:
Filing Date:	August 29, 2006	Conf. No.: 7890
Title:	METHOD AND MATERIALS FOR USE IN DIAGNOSING VIRAL MYOCARDITIS	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**POWER OF ATTORNEY BY ASSIGNEE**

As below-named assignee of the above-identified application ("Application"):

I hereby revoke all previous Powers of Attorney and appoint the DLA Piper attorneys of **USPTO Customer No. 28213** to prosecute the above-identified patent application and to transact all business in the United States Patent and Trademark Office connected therewith.

In re Application of:

Knowlton et al.

Application No.: 10/591,092

Filing Date: August 29, 2006

Page 2

PATENT

Attorney Docket No.: ST-UCSD3120-1

Direct all telephone calls to:

**STACY L. TAYLOR**

Telephone: (858) 677-1423

Facsimile: (858) 677-1465

Address all correspondence to:

**STACY L. TAYLOR**

DLA Piper US LLP

4365 Executive Drive, Suite 1100

San Diego, CA 92121-2133

**THE REGENTS OF THE UNIVERSITY OF CALIFORNIA**

By :   
(Signature)

Name : Jane C. Moores  
(Typed or Printed Name)

Title : Interim Director Technology Transfer

Date : 5/24/2007

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Kirk Knowlton; Sotirios TsimikasApplication No./Patent No.: 10/591,092 Filed/Issue Date: August 29, 2006Entitled: METHOD AND MATERIALS FOR USE IN DIAGNOSING VIRAL MYOCARDITISThe Regents of the University of California, a Non-Profit Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.

The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

- A. ☒ Assignments from the inventor(s) of the patent application/patent identified above. The assignments were recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

July 10, 2007  
Date

Jane C. Moores

Typed or Printed Name

  
Signature

Interim Director Technology Transfer  
The Regents of the University of California  
Title



**ASSIGNMENT**

U.C. Case No. 2003-099

For good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S),

1. Kirk Knowlton
2. Sotirios Tsimikas

hereby sells, assigns and transfers to ASSIGNEE, The Regents of the University of California, a California Corporation, having its statewide administrative offices located 1111 Franklin Street, Fifth Floor, Oakland, CA 94607-5200, and the successors, assigns and legal representatives of the ASSIGNEE all of its right, title and interest for the United States and its territorial possessions and in all foreign countries in and to, any and all improvements which are disclosed in the invention entitled:

**METHOD AND MATERIALS FOR USE IN DIAGNOSING VIRAL MYOCARDITIS**

and which is found in

X U.S. application serial no. 10/591,092, filed on August 29, 2006

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, continuation-in-part, extension, conversion to 35 USC 111(a) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under all International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

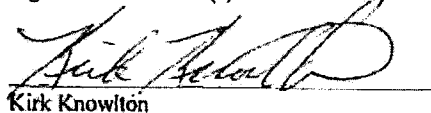
AND the ASSIGNOR(S) requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States and any reissue or extension thereof to the ASSIGNEE, The Regents of the University of California.

executed this

6 day of July, 2007

\_\_\_\_ day of \_\_\_\_\_, 2007

Signature of Inventor(s)

  
Kirk Knowlton

\_\_\_\_\_  
Sotirios Tsimikas

**ASSIGNMENT**

U.C. Case No. 2003-099

For good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S),

1. Kirk Knowlton
2. Sotirios Tsimikas

hereby sells, assigns and transfers to ASSIGNEE, The Regents of the University of California, a California Corporation, having its statewide administrative offices located 1111 Franklin Street, Fifth Floor, Oakland, CA 94607-5200, and the successors, assigns and legal representatives of the ASSIGNEE all of its right, title and interest for the United States and its territorial possessions and in all foreign countries in and to, any and all improvements which are disclosed in the invention entitled:

**METHOD AND MATERIALS FOR USE IN DIAGNOSING VIRAL MYOCARDITIS**

and which is found in

X U.S. application serial no. 10/591,092, filed on August 29, 2006

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, continuation-in-part, extension, conversion to 35 USC 111(a) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under all International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

AND the ASSIGNOR(S) requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States and any reissue or extension thereof to the ASSIGNEE, The Regents of the University of California.

executed this

Signature of Inventor(s)

27 day of JUNE, 2007

Kirk Knowlton

27 day of JUNE, 2007

Sotirios Tsimikas

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	1965591
<b>Application Number:</b>	10591092
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	7890
<b>Title of Invention:</b>	Method and materials for use in diagnosing viral myocarditis
<b>First Named Inventor/Applicant Name:</b>	Kirk Khowlton
<b>Customer Number:</b>	30542
<b>Filer:</b>	Stacy L. Taylor/Sara Hare
<b>Filer Authorized By:</b>	Stacy L. Taylor
<b>Attorney Docket Number:</b>	041673-0206
<b>Receipt Date:</b>	12-JUL-2007
<b>Filing Date:</b>	
<b>Time Stamp:</b>	14:56:09
<b>Application Type:</b>	U.S. National Stage under 35 USC 371

### Payment information:

Submitted with Payment	no
------------------------	----

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	Power_of_Attorney.pdf	35755 135742951a97deab2f13afd8201cd8689a0d3d0e	no	2

### Warnings:

<b>Information:</b>					
2	Assignee showing of ownership per 37 CFR 3.73(b).	Assignee_Statement.pdf	166778	no	3
			8c752778ea181b2db25cf770681bcadeebefb051		
<b>Warnings:</b>					
<b>Information:</b>					
Total Files Size (in bytes):			202533		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					